UPDATE

# State asks justices to stop injunction

## Attorney general cites Colorado voters' intent

Associated Press

DENVER — The state of Colorado filed a written argument with the state Supreme Court on Friday asking the court to overturn a preliminary injunction preventing enforcement of Amendment 2.

The amendment, approved by voters Nov. 3, prohibits laws that would protect homosexuals from discrimination based on their sexual orientation. It would override protective ordinances in Aspen, Boulder, Denver and Telluride.

Attorney General Gale Norton, who filed the state's brief, is named as a defendant with Gov. Roy Romer in a lawsuit to overturn the amendment.

"The guiding intent behind Amendment 2 was not to deprive homosexuals of any constitutionally guaranteed rights, but to remove any state-based

grounds" for providing special legal status, Norton said in the brief.

Amendment 2 was scheduled to become law on Jan. 15 but Denver District Judge H. Jeffrey Bayless granted a preliminary injunction until a lawsuit is heard. The suit was filed by the cities of Aspen, Boulder and Denver, and several individuals.

Plaintiffs in the lawsuit claim the amendment violates the federal constitutional right of equal protection under the law. The lawsuit is scheduled to be tried before Bayless in October.

The plaintiffs have until May 3 to answer the state's brief; oral arguments are to be heard May 25.

"Coloradans did not vote for Amendment 2 to encourage discrimination against anyone," Norton told the court. "Polls and common sense show that Coloradans have a live-and-let-live attitude. They supported Amendment 2 because they value their independence and freedom of choice and because they don't want government telling them what to do in their private lives."

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Will Perkins, spokesman for the group which wrote the amendment, had no comment about the state's filing. Ground Zero, a Colorado Springs-based group trying to overturn the amendment, couldn't be reached for comment.

When he granted the preliminary injunction, Bayless said Amendment 2 probably would be held unconstitutional because he believes it violates a fundamental right of homosexuals "not to have the state endorse or give effect to private biases" against them.

Bayless said he would strike down the amendment unless the state could prove it was necessary to protect a compelling state interest.

The state's appeal brief said the injunction resulted from a misapplication of Supreme Court precedent.

REGION

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"Part of what I do is punishment," he told the teen-ager. "Part of what I do is try to deter you and others in the community from committing crimes. I don't like to send people your age to prison."

Toth suggested Hartman apply to the Department of Corrections boot camp program. Hartman also was ordered to pay more than $87,000 in restitution.

A 14-year-old Cheyenne Mountain Junior High School student was lured to a convenience store March 8, 1992, where he was kicked and beaten by several junior high and high school students. He lost consciousness at least twice, and his head was burned with cigarettes.

On April 3, 1992, the victim's home, which he and his mother had fled, was burglarized and numerous fires were set.

Since the crime, the victim


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